

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CASIMIRO VENEGAS,

Plaintiff,

v.

CALVIN JOHNSON, *et al.*,

Defendants.

Case No. 2:22-cv-01585-CDS-DJA

ORDER

Petitioner Casimiro Venegas (“Petitioner or Venegas”) proceeding *pro se* has filed a motion for appointment of counsel in a federal habeas corpus case. ECF No. 1-1. However, Venegas has not filed a federal habeas corpus petition. In addition, Venegas has not properly commenced this habeas action by either paying the standard \$5.00 filing fee or filing an application for leave to proceed *in forma pauperis* (“IFP”).

Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The court may authorize an indigent prisoner to begin a habeas action without paying the \$5.00 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner’s financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a copy of the prisoner’s account statement for the six-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Venegas has until November 15, 2022, to either pay the \$5.00 filing fee or submit a complete IFP application with all required documentation.

Further, Venegas needs to file his federal habeas corpus petition. Accordingly, by November 15, 2022, Venegas must file a petition on the Court’s form.¹ In doing so, Venegas is

¹ Venegas remains responsible at all times for calculating the applicable statute of limitations. By ordering Venegas to file a petition by November 15, 2022, the Court makes no finding or representation that the petition will be considered timely.

1 advised to follow the instructions on the form. Venegas must place the case number, 2:22-cv-
2 01585-CDS-DJA, in the designated space.

3 It is therefore ordered that the Clerk of Court send Venegas (1) one blank copy of the IFP
4 application form for inmates along with instructions, (2) one blank copy of the form petition for
5 a writ of habeas corpus under 28 U.S.C. § 2254 along with instructions, and (3) two copies of
6 this order.


7 It is further ordered that Venegas must file a completed IFP application on the Court's
8 form on or before November 15, 2022, and must include: (1) a financial certificate signed by
9 Venegas and an authorized prison official; (2) Venegas's financial acknowledgement and
10 declaration; and (3) a copy of his inmate account statement for the six-month period prior to
11 filing. Alternatively, Venegas must pay the \$5.00 filing fee on or before November 15, 2022. If
12 Venegas decides to pay the filing fee from his inmate account, he must arrange to have a copy of
13 this order attached to the check for the filing fee.

14 It is further ordered that Venegas must file a federal habeas corpus petition on the
15 Court's form on or before November 15, 2022, by placing the case number, 2:22-cv-01585-CDS-
16 DJA, in the designated space.

17 It is further ordered that consideration of Venegas's motion for appointment of counsel
18 (ECF No. 1-1) is deferred until he files a petition and resolves the filing fee.

19 It is further ordered that Venegas's failure to comply with this Order on or before the
20 November 15, 2022, deadline: (a) by submitting a completed IFP application with the required
21 documents or paying the filing fee; or (b) by filing a petition, will result in the dismissal of this
22 action without prejudice and without further advance notice.

23 DATED: September 27, 2022.

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26 UNITED STATES DISTRICT JUDGE
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